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Attorney's Docket No. 038190.265125

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Edward Litwinski                      Confirmation No.: 4705  
Appl. No.: 10/606,564                      Group No.: 1725  
Filed: June 26, 2003                      Examiner: Kiley Stoner  
For: METHOD AND APPARATUS FOR PRODUCING  
A REFINED GRAIN STRUCTURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request to Add Inventor  
Using Petition Granted in Parent Application  
and to Update Assignment Statement in Application  
(37 C.F.R. § 1.48(a) and/or (c))**

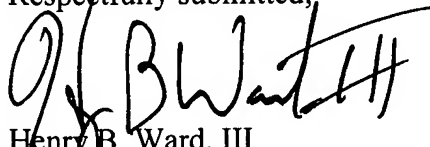
**Inventorship:**

Attached hereto at Exhibit A is a copy of an Office communication received from the Patent Office for parent application No. 10/145,009, filed May 14, 2002. This communication granted the Amendment, Petition, and Fee to Correct and/or Add to Originally Named Inventor(s) (37 C.F.R. § 1.48(a) and/or (c)), a copy of which is attached at Exhibit B.

Applicant requests that a corrected filing receipt be issued.

It is not believed that a fee is owed for this Request to Add Inventor Using Petition Granted in Parent application. However, in the event that a fee is owed, please charge Deposit Account No. 16-0605.

Respectfully submitted,

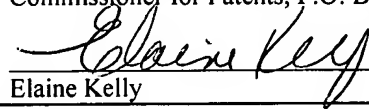
  
Henry B. Ward, III  
Registration No. 42,212

In re: Edward Litwinski  
Appl. No.: 10/606,564  
Filed: June 26, 2003  
Page 2

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 8, 2004.

  
Elaine Kelly

CLT01/4651235v1



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/145,009	05/14/2002	Edward Litwinski	38190.234772	7847

826 7590 02/05/2004

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

STONER, KILEY SHAWN

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/145,009

5/14/02

Litwinski

38190.234772

EXAMINER

Stoner

ART UNIT	PAPER
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1725

20040203

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**Inventorship**

In view of the papers filed 10-2-03, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(c). The inventorship of this application has been changed by the addition of Steven G. Keener as an inventor. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Kiley Stoner A.U. 1725

*Kiley Stoner* 2/3/04

Attorney's Docket No. 038190.234772

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Litwinski	Confirmation No.:	7847
Appl. No.:	10/145,009	Group No.:	1725
Filed:	May 14, 2002		
For:	METHOD AND APPARATUS FOR PRODUCING A REFINED GRAIN STRUCTURE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Amendment, Petition, and Fee to Correct  
and/or Add to Originally Named Inventor(s)  
(37 C.F.R. § 1.48(a) and/or (c))**

1. This amendment and petition is to:
  - ☐ correct the incorrect original naming of inventor(s) under 37 C.F.R. § 1.48(a) and/or
  - ☒ add inventor(s) for subject matter disclosed in the application, but previously unclaimed under 37 C.F.R. § 1.48(c).
2. Addition and/or Deletion of Inventor(s)
  - ☒ Add the following previously unnamed person(s) as inventor(s) of this application:  
Steven G. Keener
  - ☐ Delete the following previously incorrectly named inventor(s):
3. Attachments
  - (a) a statement of inventorship by the added or deleted inventor(s) that the error in inventorship was made without deceptive intention on the part of the added or deleted inventor(s).
  - (b) a new declaration of all inventors as required by 37 C.F.R. § 1.63.
  - (c) written assent of the assignee (if applicable).


In re: Litwinski  
Appl. No.: 10/145,009  
Filed: May 14, 2002  
Page 2

4. Fee (37 C.F.R. § 1.17(i))

The fee required is paid as follows:

- ☐ Enclosed is a check for \$130.00.  
☒ Charge the Petition Fee to Deposit Account No. 16-0605  
☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

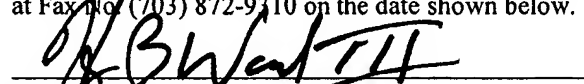
Respectfully submitted,

  
Henry B. Ward, III  
Registration No. 42,212

**CUSTOMER NO. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office  
at Fax No. (703) 872-9310 on the date shown below.

  
Henry B. Ward, III

October 2, 2003  
Date

Attorney's Docket No. 038190.234772

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Edward Litwinski	Confirmation No.:	7847
Appl. No.:	10/145,009	Group Art Unit:	1725
Filed:	May 14, 2002	Examiner:	Kiley Stoner
For:	METHOD AND APPARATUS FOR PRODUCING A REFINED GRAIN STRUCTURE		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF LACK OF DECEPTIVE INTENT UNDER 37 CFR 1.48(a)**

I, Steven G. Keener, declare that:

1. I am an inventor of the invention disclosed in the above-identified patent application.
2. Due to an error, my name was not included as an inventor when the application was filed.
3. Error in the exclusion of my name on the above-identified patent application was made without any deceptive intent on my part.

Signature: \_\_\_\_\_

Steven G. Keener

Date: 29 SEPT 03

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### METHOD AND APPARATUS FOR PRODUCING A REFINED GRAIN STRUCTURE,

the specification of which

☐ is attached hereto

OR

☒ was filed on 5/14/2002 as United States Application No. or PCT International Application

Number 10/145,009 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the practitioners associated with The Boeing Company and with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

**Customer Number 00826, and**

**William C. Anderson, Reg. No. 28,147**  
**Nicholas T. Bauz, Reg. No. 41,604**  
**David J. Clement, Reg. No. 44,082**  
**Harry B. Field, Reg. No. 27,880**  
**Ann K. Galbraith, Reg. No. 33,530**  
**Terje Gudmestad, Reg. No. 32,232**  
**Robert L. Gullette, Reg. No. 26,899**  
**John C. Hammar, Reg. No. 29,928**  
**James P. Hamley, Reg. No. 28,081**  
**Thomas W. Hennen, Reg. No. 27,798**  
**Hank Kohlmann, Reg. No. 26,672**  
**Lawrence W. Nelson, Reg. No. 34,684**  
**Bryan C. Ogden, Reg. No. 25,362**  
**John R. Rafter, Reg. No. 28,533**  
**Charles T. Silberberg, Reg. No. 26,584**

Direct telephone calls to:

Henry B. Ward, III  
Registration No. 42,212  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

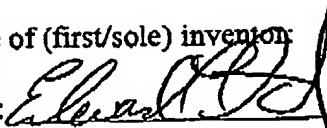
Full name of (first/sole) inventor:

Edward Litwinski

Inventor's

Signature:

Residence:

 Date: 9-28-03  
Mission Viejo, California

Citizenship:

United States of America

Mailing Address:

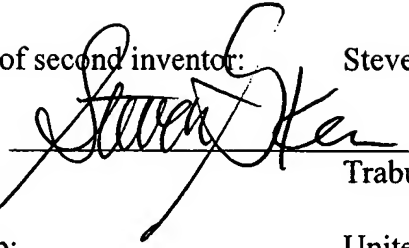
The Boeing Company  
100 N. Riverside Plaza  
Chicago, Illinois 60606-1596

Full name of second inventor:

Steven G. Keener

Inventor's

Signature:



Date: 29 SEPT 03

Residence:

Trabuco Canyon, California

Citizenship:

United States of America

Mailing Address:

The Boeing Company  
100 N. Riverside Plaza  
Chicago, Illinois 60606-1596

CLT01/4611344v1

Attorney's Docket No. 038190.234772

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Edward Litwinski Confirmation No.: 7847  
Appl. No.: 10/145,009 Group Art Unit: 1725  
Filed: May 14, 2002 Examiner: Kiley Stoner  
For: METHOD AND APPARATUS FOR PRODUCING  
A REFINED GRAIN STRUCTURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ASSENT OF ASSIGNEE TO CORRECTION AND/OR  
ADDITION TO ORIGINALLY NAMED INVENTOR(S)  
37 CFR § 1.48(c)(5)

The Boeing Company  
(name of assignee)

Post Office Box 3707  
MS-1308  
Seattle, Washington 98124-2207  
(Address)

Assignment

☒  
☐

recorded on May 14, 2002 at Reel 012911, Frame 0687  
a copy of the assignment that was sent for recording on is enclosed herewith.

Assignee hereby assents to the correction of inventorship filed herewith.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

THE BOEING COMPANY

Name: William C. Anderson  
William C. Anderson, Esq.  
Title: Counsel, The Boeing Company  
Date: 9/25/03

# ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To the Director of the Patent and Trademark Office:  
Please record the attached original documents or copy thereof.

Attorney Dkt. No.: 038190/234772

1. Name of conveying party(ies):  
  
Edward Litwinski  
Steven G. Keener  
  
Additional name(s) of conveying party(ies) attached? Yes ☐ No ☒

2. Name and address of receiving party(ies):  
  
The Boeing Company  
100 N. Riverside Plaze  
Chicago, Illinois 60606-1596

3. Nature of conveyance:  
  
☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other \_\_\_\_\_  
Execution Date: \_\_\_\_\_

Additional name(s) & address(es) attached? Yes ☐ No ☒

4. Application No. 10/145,009, filed May 14, 2002 Patent No. \_\_\_\_\_  
  
If this document is being filed together with a new application, the execution date of the application is:  
  
Additional numbers attached? Yes ☐ No ☒

5. Name and address of party to whom correspondence concerning document should be mailed:  
  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000

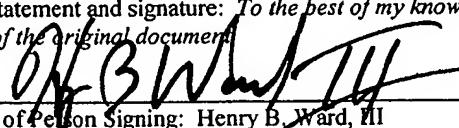
6. Total number of applications and patents involved:  
  
1

7. Total fee (37 CFR 3.41) \$40.00  
☐ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number: 16-0605

DO NOT USE THIS SPACE

9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

  
Name of Person Signing: Henry B. Ward, III  
Reg. No. 42,212

10/2/03  
Date

Total number of pages including cover sheet, attachments, and document: 4

## ASSIGNMENT

THIS ASSIGNMENT, made by us, Edward Litwinski, citizen of the United States of America, residing at 26311 Valenzuela Circle, Mission Viejo, California 92691; and Steven G. Keener, citizen of the United States of America, residing at 21125 Hidden Spring Lane, Trabuco Canyon, California 92679, respectively;

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in **METHOD AND APPARATUS FOR PRODUCING A REFINED GRAIN STRUCTURE** for which an application for United States Letters Patent has been filed in the United States Patent and Trademark Office on May 14, 2002, under Application No. 10/145,009, and

WHEREAS, **The Boeing Company**, a Delaware corporation having a principal place of business at 100 N. Riverside Plaza, Chicago, Illinois 60606-1596, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all foreign countries;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, or divisions thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals as dated below.

9-28-03

Date

  
Edward Litwinski

IN WITNESS WHEREOF, we have hereunto set our hands and seals as dated below.

29 SEPT 03

Date

  
\_\_\_\_\_  
Steven G. Keener

CLT01/4612016v1